

FIRST REGULAR SESSION
[P E R F E C T E D]
SENATE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 62
96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHAAF.

Offered March 16, 2011.

Senate Substitute No. 2 adopted, March 16, 2011.

Taken up for Perfection March 16, 2011. Bill declared Perfected and Ordered Printed.

TERRY L. SPIELER, Secretary.

0521S.06P

AN ACT

To repeal section 191.227, RSMo, and to enact in lieu thereof one new section relating to medical records.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 191.227, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 191.227, to read as follows:

191.227. 1. All physicians, chiropractors, hospitals, dentists, and other
2 duly licensed practitioners in this state, herein called "providers", shall, upon
3 written request of a patient, or guardian or legally authorized representative of
4 a patient, furnish a copy of his or her record of that patient's health history and
5 treatment rendered to the person submitting a written request, except that such
6 right shall be limited to access consistent with the patient's condition and sound
7 therapeutic treatment as determined by the provider. Beginning August 28,
8 1994, such record shall be furnished within a reasonable time of the receipt of the
9 request therefor and upon payment of a fee as provided in this section.

10 2. Health care providers may condition the furnishing of the patient's
11 health care records to the patient, the patient's authorized representative or any
12 other person or entity authorized by law to obtain or reproduce such records upon
13 payment of a fee for:

14 (1) **(a)** Copying, in an amount not more than [seventeen] **twenty-one**

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

15 dollars and [five] **thirty-six** cents plus [forty] **fifty** cents per page for the cost
16 of supplies and labor **plus, if the health care provider has contracted for**
17 **off-site records storage and management, any additional labor costs of**
18 **outside storage retrieval, not to exceed twenty dollars, as adjusted**
19 **annually pursuant to subsection 5 of this section; or**

20 **(b) If the health care provider stores records in an electronic or**
21 **digital format, and provides the requested records in an electronic or**
22 **digital format, not more than five dollars plus fifty cents per page or**
23 **twenty-five dollars total, whichever is less;**

24 (2) Postage, to include packaging and delivery cost; and

25 (3) Notary fee, not to exceed two dollars, if requested.

26 3. Notwithstanding provisions of this section to the contrary, providers
27 may charge for the reasonable cost of all duplications of health care record
28 material or information which cannot routinely be copied or duplicated on a
29 standard commercial photocopy machine.

30 4. The transfer of the patient's record done in good faith shall not render
31 the provider liable to the patient or any other person for any consequences which
32 resulted or may result from disclosure of the patient's record as required by this
33 section.

34 5. Effective February first of each year, the fees listed in subsection 2 of
35 this section shall be increased or decreased annually based on the annual
36 percentage change in the unadjusted, U.S. city average, annual average inflation
37 rate of the medical care component of the Consumer Price Index for All Urban
38 Consumers (CPI-U). The current reference base of the index, as published by the
39 Bureau of Labor Statistics of the United States Department of Labor, shall be
40 used as the reference base. For purposes of this subsection, the annual average
41 inflation rate shall be based on a twelve-month calendar year beginning in
42 January and ending in December of each preceding calendar year. The
43 department of health and senior services shall report the annual adjustment and
44 the adjusted fees authorized in this section on the department's Internet website
45 by February first of each year.

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